

RESOLUTION NUMBER R-302583

DATE OF FINAL PASSAGE MAY 7, 2007

RESOLUTION JOINING THE STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM AND AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT SPECIAL ASSESSMENT PROCEEDINGS AND LEVY ASSESSMENTS WITHIN THE TERRITORY OF THE SAN DIEGO AND AUTHORIZING RELATED ACTIONS.

WHEREAS, the California Statewide Communities Development Authority [Authority] is a joint exercise of powers authority the members of which include numerous cities and counties in the State of California, including the City of San Diego [City]; and

WHEREAS, the Authority has established the Statewide Community Infrastructure Program [SCIP] to allow the financing of certain development impact fees [Fees] levied in accordance with the Mitigation Fee Act (California Government Code Sections 66000 and following) and other authority providing for the levy of fees on new development to pay for public capital improvements [collectively, the “Fee Act”] through the levy of special assessments pursuant to the Municipal Improvement Act of 1913 (Streets and Highways Code Sections 10000 and following) [1913 Act] and the issuance of improvement bonds [Local Obligations] under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 and following) [1915 Act]; and

WHEREAS, the City desires to allow the owners of property being developed within its jurisdiction to participate in SCIP and to allow the Authority to conduct assessment proceedings under the 1913 Act and issue Local Obligations under the 1915 Act to finance Fees levied on such properties provided that such property owners voluntarily agree to participate and consent to the levy of such assessments; and

WHEREAS, in each year in which eligible property owners within the jurisdiction of the elect to participate in SCIP, the Authority will conduct assessment proceedings under the 1913 Act and issue Local Obligations under the 1915 Act to finance Fees payable by such property owners and, at the conclusion of such proceedings, will levy special assessments on such property within the territory of the City;

WHEREAS, there has been presented to this meeting a proposed form of Resolution of Intention to be adopted by the Authority in connection with such assessment proceedings, a copy of which is attached hereto as Exhibit A (the “ROI”) and the territory within which assessment may be levied for SCIP (provided that the owner of any property subject to assessment consents to such assessment) shall be coterminous with the official boundaries of the City of record at the time of adoption of each such Resolution of Intention [Proposed Boundaries], and reference is hereby made to such boundaries for the plat or map required to be included in this Resolution pursuant to Section 10104 of the Streets and Highways Code; and

WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of the Local Obligations or any other bonds issued in connection with SCIP; and

WHEREAS, pursuant to Government Code Section 6586.5, notice was published at least five days prior to the adoption of this resolution of a public hearing, which was duly conducted by the Council of the City of San Diego concerning the significant public benefits of SCIP and the financing of the public capital improvements to be paid for with the proceeds of the Fees;

Section 1. The City hereby consents to the conduct of special assessment proceedings by the Authority in connection with SCIP pursuant to the 1913 Act and the issuance of Local Obligations under the 1915 Act on any property within the Proposed Boundaries; provided, that

(1) Such proceedings are conducted pursuant to one or more Resolutions of Intention in substantially the form of the ROI; and

(2) The legal owner(s) of such property execute a written consent to the levy of assessment in connection with SCIP by the Authority and execute an assessment ballot in favor of such assessment in compliance with the requirements of Article XIID of the State Constitution.

Section 2. The City hereby finds and declares that the issuance of bonds by the Authority in connection with SCIP will provide significant public benefits, including without limitation, savings in effective interest rate, bond preparation, bond underwriting and bond issuance costs and the more efficient delivery of local agency services to residential and commercial development.

Section 3. The Authority has prepared and will update from time to time the SCIP Manual of Procedures [Manual] and the City will handle Fee revenues for properties participating in SCIP in accordance with the procedures set forth therein.

Section 4. The appropriate officials and staff of the City are hereby authorized and directed to make SCIP applications available to all property owners who are subject to Fees for new development within the and to inform such owners of their option to participate in SCIP; provided, that the Authority shall be responsible for providing such applications and related materials at its own expense. The staff persons listed on Exhibit B, and any other staff persons

chosen by the [Mayor or his designee] from time to time, are hereby designated as the contact persons for the Authority in connection with the SCIP program.

Section 5. The appropriate officials and staff of the City are hereby authorized and directed to execute and deliver such closing certificates requisitions and related documents as are reasonably required by the Authority in accordance with the Manual to implement SCIP for property owners who elect to participate in SCIP and to evidence compliance with the requirements of federal and state law in connection with the issuance by the Authority of the Local Obligation and any other bonds for SCIP. To that end, and pursuant to Treasury Regulations Section 1.150-2, the staff persons listed on Exhibit B, or other staff person acting in the same capacity for the City with respect to SCIP, are hereby authorized and designated to declare the official intent of the City with respect to the public capital improvements to be paid or reimbursed through participation in SCIP.

Section 6. This Resolution shall take effect immediately upon its adoption and approval by the Mayor. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of the Authority.

BE IT FURTHER RESOLVED, that this activity is not a “project” and is therefore not subject to CEQA pursuant to State Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

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David E. Miller  
Deputy City Attorney

DEM:cfq  
01/23/07  
Or.Dept:Planning  
R-2007-738  
MMS#4317

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of May 1, 2007.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor